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Application No. 10/673,200
Amendment dated June 4, 2007
Reply to Office Action of January 4, 2007

Docket No.: 0941-1876PUS1

REMARKS

Claims 1-15 remain present in this application.

The specification and claims 1-15 have been amended. Reconsideration of the application, as amended, is respectfully requested.

Power of Attorney

A Revocation of Power of Attorney with New Power of Attorney and Change of Correspondence Address, and Statement under 37 CFR 3.73(b) are attached hereto. *It is respectfully requested that the U.S. Patent and Trademark Office update their records to reflect the new attorney and correspondence address of record.*

Amendments

It is noted that the foregoing amendments to the specification and claims have been made for clarity and to place the application in better form. These changes do not contain new matter and, as such, should be entered.

Rejections under 35 USC 102 and 103

Claims 1-11 and 14-15 stand rejected under 35 USC 102(e) as being anticipated by *Hiyama et al.*, U.S. Patent 7,084,850 B2. This rejection is respectfully traversed.

Claims 12 and 13 stand rejected under 35 USC 103 as being unpatentable over *Hiyama et al.* in view of *Kawahara et al.*, U.S. Publication 2001/0028347 A1. This rejection is respectfully traversed.

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For anticipation, there must be no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention. *See, e.g., Scripps Clinic & Res. Found. v. Genentech, Inc.*, 927 F.2d 1565, 18 USPQ 2d 1001 (Fed. Cir. 1991.)

Independent claims 1, 6 and 11, set forth (emphasis added):

1. An image detection apparatus for determining an effective number of gray levels of a display while showing motion images, comprising:

an image generation means *for generating a still image and a moving image, the moving image being a duplication of the still image with adjustable motion vectors*, and for providing an interested display to show the still image and the moving image at the same time, wherein the still image presents the gray level capability of the display while showing still images; and

an examination means *for using the moving image to determine the effective number of gray levels of the display while showing moving images.*

6. A detection apparatus for determining an effective number of gray levels of a display while showing motion images, comprising:

a visual simulator for simulating visual detection and recognition;

an image generation means *for generating a still image and a moving image, the moving image being a duplication of the still image with adjustable motion vectors*, and for providing an interested display to show the still image and the moving image at the same time, wherein the still image presents the gray level capability of the display while showing still images; and

an examination means *for using the moving image to determine the gray level capability of the display while showing moving images.*

11. A method for determining an effective number of gray levels of a display while showing motion images, comprising:

generating a still image and a moving image by an image generating means, the moving image being a duplication of the still image with adjustable moving speed and direction;

showing the still image and the moving image on a screen;

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adjusting the moving speed and direction of the moving image; and
determining the discrimination of adjacent gray levels of the moving image.

It is respectfully submitted that the still picture data and the moving picture data of *Hiyama* are different from the still image and the moving image set forth in independent claims 1, 6 or 15 of the present application, because the moving picture data of *Hiyama* is not a duplication of the still picture data. Moreover, *Hiyama* does not teach or suggest the examination means for determining the effective number of gray levels, the gray level capability of the display, or the discrimination of adjacent gray levels of the moving image.

The Examiner relies on the still picture data held in a still picture memory 62A and the moving picture data held in the moving picture memory 62B in FIG. 11 of *Hiyama* to read on the still image and the moving image set forth in independent claims 1, 6 and 11 of the present application. It is noted, however, that in column 10, lines 37-62 of *Hiyama*, the moving picture data is not a duplication of the still picture data, as is set forth in the present invention. The still picture data and the moving picture data are irrelevant in *Hiyama*. Accordingly, the relationship between the still picture data and the moving picture data of *Hiyama* is different from the relationship between the still image and the moving image in the present application.

In addition, the Examiner asserts that the examination means for determining the effective number of gray levels of the display is anticipated by the block state discrimination circuit 61E of *Hiyama*. According to column 7, lines 23-31 of *Hiyama*, the block state discrimination circuit 61E is configured to discriminate the original image data 500 between a still picture and a moving

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picture. Thus, *Hiyama* fails to teach examination means for determining the effective number of gray levels of the display, as is set forth in independent claims 1, 6 and 11 of the present application.

The secondary reference to *Kawahara* neither teaches nor suggests either the examination means for determining the effective number of gray levels, or the moving image being a duplication of the still image. Accordingly, this references fails to overcome the above-noted deficiencies of the primary references to *Hiyama*.

In view of the foregoing amendments and remarks, it is respectfully submitted that the prior art utilized by the Examiner fails to teach or suggest the apparatus or method of independent claims 1, 6 and 11, as well as their dependent claims. Accordingly, reconsideration and withdrawal of the 35 USC 103 and 103 rejections are respectfully requested.

Conclusion

Favorable reconsideration and an early Notice of Allowance are earnestly solicited.

In the event that any outstanding matters remain in this application, the Examiner is invited to contact the undersigned at (703) 205-8000 in the Washington, D.C. area.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), the Applicants respectfully petition for a two (2) month extension of time for filing a response in connection with the present application and the required fee of \$450.00 is attached herewith.

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If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

By 

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